

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 19, 2009 at 9:00
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 534, HB 362, 3/12/2009

Executive Action:

HEARING ON HB 362

Opening Statement by Sponsor:

00:02:23 Rep. Teresa Henry (D), HD 96, opened the hearing on HB 362, Limit liability for practice of disaster medicine.

Proponents' Testimony:

00:06:54 Dr. Richard Deichmann, Chairman of Medicine, Memorial Medical Center, New Orleans (by audio conference call)

[EXHIBIT\(jus61a01\)](#)

[EXHIBIT\(jus61a02\)](#)

00:11:43 Dr. Gwen Jonas, Chief of Staff; Chairman of Ethics Committee, Kalispell Regional Medical Center, Kalispell

[EXHIBIT\(jus61a03\)](#)

00:15:36 Steven Zwisler, Registered Nurse; Chairman, Joint Kalispell Regional Medical Center/North Valley Hospital Mass Casualty Planning Committee, Whitefish

[EXHIBIT\(jus61a04\)](#)

00:17:24 Dr. Brendt Pistorese, Critical Care Physician, Kalispell Regional Medical Center, Kalispell

00:22:08 Maura Fields, Registered Nurse; Chief Clinical Officer, North Valley Hospital, Whitefish

[EXHIBIT\(jus61a05\)](#)

00:24:13 Patrick Montalban, Trustee, Northern Rockies Medical Center

00:24:43 Bob Olson, Montana Hospital Association (MHA)

00:29:34 Erin MacLean, Montana Medical Association

[EXHIBIT\(jus61a06\)](#)

00:32:14 Robert Allen, Executive Director, Montana Nurses Association (MNA)

00:33:33 Aimee Gmoljez, Billings Clinic; St. Peters Hospital, Helena; Bozeman Deaconess Hospital, Bozeman

00:34:14 Doug Neil, Montana State Fireman Association

00:38:11 Rep. Henry for Clayton Berger

[EXHIBIT\(jus61a07\)](#)

Distributed to the Committee Members after Proponents Testimony:

[EXHIBIT\(jus61a08\)](#)

[EXHIBIT\(jus61a09\)](#)

Opponents' Testimony:

None

Informational Testimony:

00:39:44 Al Smith, Montana Trial Lawyers Association (MTLA)

Questions from Committee Members and Responses:

00:43:41 Sen. McGee
00:44:14 Rep. Henry
00:47:36 Sen. Laslovich
00:48:24 Mr. Zwisler
00:50:57 Sen. Laslovich
00:51:05 Rep. Henry
00:51:05 Dr. Jonas
00:51:25 Rep. Henry
01:02:30 Sen. Laslovich
01:03:41 Mr. Smith
01:06:10 Sen. Juneau
01:07:31 Rep. Henry
01:10:01 Sen. Juneau
01:10:10 Mr. Smith

Closing by Sponsor:

01:11:58 Rep. Henry
[EXHIBIT\(jus61a10\)](#)

01:13:20 break

HEARING ON HB 534

Opening Statement by Sponsor:

01:23:34 Rep. Margaret Campbell (D), HD 31, opened the hearing on HB 534, Require audio-video recording of custodial interrogations.

Proponents' Testimony:

01:28:41 Jessie McQuillan, Executive Director, Montana Innocence Project
[EXHIBIT\(jus61a11\)](#)
01:34:00 Bill Hooks, Attorney; Montana Association of Defense Trial Lawyers
01:38:01 Jim Smith, Montana Sheriffs and Peace Officers Association; Montana County Attorneys Association
01:41:53 Pam Bucy, Montana Association of Chiefs of Police; Montana Police Protective Association

01:44:23 Doug Lowney, Montanans for Justice; also for Beth
Brenneman, Disability Rights Montana

EXHIBIT(jus61a12)

01:50:10 Mike Batista, Criminal Investigations Division,
Department of Justice

01:51:25 James Shuler, Attorney, retired judge

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:54:18 Sen. McGee
01:54:47 Rep. Campbell
01:55:00 Sen. McGee
01:55:12 Mr. Batista
01:56:18 Sen. McGee
01:56:47 Mr. Smith
01:59:09 Sen. McGee
01:59:13 Mr. Batista
01:59:26 Sen. McGee
01:59:45 Ms. Bucy
02:01:54 Sen. Juneau
02:03:12 Mr. Smith
02:07:46 Sen. McGee
02:08:44 Mr. Shuler
02:11:21 Sen. McGee
02:11:29 Rep. Campbell
02:13:45 Sen. Juneau
02:15:08 Rep. Campbell
02:15:55 Sen. Shockley
02:16:36 Mr. Batista
02:17:50 Sen. Shockley
02:18:34 Ms. Bucy
02:20:48 Sen. Shockley
02:20:57 Mr. Hooks
02:22:38 Sen. Shockley
02:22:54 Ms. Bucy
02:26:07 Sen. Shockley
02:26:30 Mr. Batista
02:26:46 Sen. Juneau
02:27:17 Rep. Campbell

Closing by Sponsor:

02:27:39 Rep. Campbell

ADJOURNMENT

Adjournment: 11:28 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus61aad.pdf](#))